

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, March 5, 2024

WARD(S): ALL

TITLE: CITY OF VAUGHAN
ZONING BY-LAW AMENDMENT FILE Z.23.028
SEASONAL TEMPORARY OUTDOOR PATIOS FOR
RESTAURANTS AND BANQUET HALLS
CITY-WIDE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on a City initiated city-wide zoning by-law amendment to permit Seasonal Temporary Outdoor Patios and expand existing Outdoor Patios accessory to Restaurants and Banquet Halls, and to amend the City's Site Plan Control By-law 123-2013. The permissions for Seasonal Temporary Outdoor Patios would apply between May 1 and November 1 of each year.

Report Highlights

- The City proposes Zoning By-law Amendments to By-laws 1-88 and 001-2021 to permit Seasonal Temporary Outdoor Patios on an annual basis.
- The City's Site Plan Control By-law is also proposed to be amended to waive the requirement for a Site Development Application to implement Seasonal Temporary Outdoor Patios.
- A technical report prepared by the Development Planning Department in consultation with the Building Standards, Development Engineering, and By-law and Compliance, Licensing and Permit Services Departments will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report for Zoning By-law Amendment Z.23.028 (City of Vaughan) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: City-wide

On October 20, 2021, Council adopted the new CZBL. The OLT ordered the CZBL into force by its order on December 28, 2022, and as corrected on March 28, 2023, with exceptions.

The CZBL affects all lands within the City of Vaughan, except for lands in the vicinity of Yonge Street and Steeles Avenue West, as shown on Attachment 1, and any lands subject to outstanding site-specific appeals. The CZBL replaces Zoning By-law 1-88 except for matters of transition pursuant to Section 1.6 of the CZBL, and the Yonge-Steeles Corridor Secondary Plan Area. The CZBL has been appealed to the OLT by a number of appellants. The OLT issued an Order on December 28, 2022, which was subsequently corrected on March 28, 2023, bringing into effect all sections of the CZBL that have not been appealed.

Temporary Outdoor Patios were previously approved by Vaughan Council during the COVID-19 Pandemic.

On June 29, 2020, Vaughan Council approved a City-initiated Zoning By-law Amendment (File Z.20.017) and passed the associated temporary use By-law 094-2020 to permit the use of temporary outdoor patios accessory to a Restaurant or Banquet Hall subject to the required zoning standards identified in the by-law. The duration of By-law 094-2020 initially spanned the period in which the Province of Ontario declared an emergency to exist under Section 4 of the *Emergency Management and Civil Protection Act* (the 'Emergency Order') related to the COVID-19 pandemic, or up until November 2, 2020, whichever came first.

The intention of By-law 094-2020 was to allow Restaurants and Banquet Halls to temporarily continue operating outdoors while indoor dining was not permitted during the COVID-19 pandemic. By-law 094-2020 was further amended by By-law 148-2020 to extend the temporary use permissions to no longer than 14 days beyond the lifting of the Emergency Order, irrespective of the November 2, 2020, date. The Province of Ontario lifted the Emergency Order on July 24, 2022.

The temporary outdoor patio permissions received largely positive feedback from the industry and patrons, and the City did not experience significant enforcement issues or complaints from the public. With the temporary outdoor patio permissions now expired, the City has an interest in reintroducing permissions on a permanent basis to provide opportunities for Restaurant and Banquet Hall uses to erect temporary outdoor patios on a recurring seasonal basis to support businesses in the City.

The City has initiated a Zoning By-law Amendment to permit seasonal outdoor patios accessory to Restaurants and Banquet Halls

The City has initiated City-wide Zoning By-law Amendment file Z.22.029 to amend both by-laws 001-2021 and 1-88 and permit Seasonal Temporary Outdoor Patios for Restaurant and Banquet Hall uses along with the draft zoning standards shown in Attachments 2 and 3 (the 'Amendment').

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Meeting was circulated: February 9, 2024

The Notice of Public Meeting was posted on the City's website at www.vaughan.ca and published in the February 7, 2024, edition of the Toronto Star.

- b) The By-law and Compliance, Licensing and Permit Services Department conducted a business survey on February 15, 2024 to obtain feedback on the proposed permissions for seasonal temporary outdoor patios.
- c) No comments have been received directly by the Development Planning Department as of February 20, 2024.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following links are to previous reports regarding the City of Vaughan Temporary Use By-law to permit Temporary Outdoor Patios for Eating Establishments and Banquet Halls (File Z.20.017):

[June 29, 2020, Committee of the Whole \(1\) Meeting \(Item 1, Report 30\)](#)

[October 21, 2020, Council Meeting Addendum Item 2](#)

Analysis and Options

Seasonal Temporary Outdoor Patios accessory to Restaurant and legally existing Banquet Hall Uses are permitted by the Vaughan Official Plan 2010.

- The Vaughan Official Plan 2010 ('VOP 2010') permits Restaurants (which are defined as "Retail" for the purpose of VOP 2010) in the following land use designations identified on Schedule 13 - Land Use:
 - "Low-Rise Mixed-Use", "Mid-Rise Mixed-Use", "High-Rise Mixed-Use", "Community Commercial Mixed-Use", "Downtown Mixed-Use" and "Major Institutional";
 - "Employment Commercial Mixed-Use" subject to a maximum Gross Floor Area ('GFA') of 3,500 m² per unit;

- “Prestige Employment” provided they are accessory and directly associated to a primary use, or are ancillary subject to locational criteria and a maximum GFA of 185 m² per unit and the total GFA of all ancillary uses does not exceed 20% of the total GFA of any one lot; and
- “Theme Park and Entertainment” where they are directly associated with the Theme Park Use.
- VOP 2010 does not expressly permit Banquet Halls in any land use designation; however, Section 10.2.1.4 of VOP 2010 recognizes legally existing land uses as they exist at the time VOP 2010 was approved, which may include existing Restaurant and Banquet Hall uses located across the City within various land use designations.
- The Amendment would permit Seasonal Temporary Outdoor Patios on a recurring basis for Restaurants and Banquet Halls which are permitted as of right by the Zoning By-law, or are legally existing as of the date of the amendment.
- The proposal conforms to VOP 2010.

A Zoning By-law Amendment is required to permit the seasonal temporary Outdoor Patios.

Zoning By-law 1-88:

- Zoning By-law 1-88 continues to apply to lands subject to ongoing site-specific appeals to Zoning by-law 001-2021, matters of Transition under Section 1.6 of the CZBL, and the Yonge and Steeles area
- Outdoor Patios accessory to an Eating Establishment (Restaurant) are permitted.
- A Banquet Hall is also permitted to contain an Eating Establishment up to a maximum 20% GFA of the building, which may also have an accessory Outdoor Patio.

Zoning By-law 001-2021:

- Zoning By-law 001-2021 applies to all other areas of the City.
- Outdoor Patios accessory to a Restaurant are permitted.
- A Banquet Hall is also permitted to contain the incidental preparation and sale of food and beverages.

The Amendment would establish the definition of a Seasonal Temporary Outdoor Patio and related development standards in both Zoning By-laws 1-88 and 001-2021 to permit their use accessory to a Restaurant or Banquet Hall. The use would be permitted to operate between May 1 and November 1 every year, except in 2024 where the use is expected to be permitted starting May 28 after the last day of the by-law appeal period. Draft zoning standards are included in Attachments 2 and 3. Additional standards may be identified through continued review and feedback of the Amendment and considered in a technical report to a future Committee of the Whole meeting.

An amendment to Site Plan Control By-law 123-2013 is required.

Site Plan Control By-law 123-2013 designates the City as a Site Plan Control Area pursuant to Subsection 41(2) of the *Planning Act*, and requires certain classes of development to be subject to Site Plan Control, including Outdoor Patios. An amendment to Site Plan Control By-law 123-2013 is required to exempt the temporary

Outdoor Patios from the provisions of Site Plan Control. A draft Site Plan Control amendment by-law is included as Attachment 4.

Following a preliminary review of the applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The proposal to permit Seasonal Temporary Outdoor Patios and the temporary expansion of existing Outdoor Patios accessory to Restaurants and Banquet Halls will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010.
b.	Appropriateness of Amendments to Zoning By-law 1-88 and 001-2021	<ul style="list-style-type: none"> ▪ The Application will be reviewed in consideration of appropriate zoning standards regarding setbacks, landscape buffers, parking, access, safety and building separation. ▪ Options for parking standards shall be evaluated through further review and consultation.
c.	Exemption from Site Plan Control	<ul style="list-style-type: none"> ▪ Outdoor Patios are currently subject to Site Plan Control. An amendment to Site Plan Control By-law 123-2013 would be required to exempt Seasonal Temporary Outdoor Patios from the provisions of Site Plan Control. ▪ The previous Temporary Outdoor Patios use introduced under By-law 094-2020 were also exempt from Site-Plan Control for the duration in which By-law 094-2020 applied.
d.	Timing of Enactment of the Zoning By-law Amendment	<ul style="list-style-type: none"> ▪ A technical report for consideration by the Committee of the Whole is expected to be brought forward in April 2024. ▪ Should the Committee of the Whole approve Staff's recommendations, the proposed amendments to Zoning By-law 1-88 and 001-2021 and Site Plan Control By-law 123-2013 will be brought forward to the April 22, 2024, Council meeting. ▪ If approved, the amendments will permit the use of a Seasonal Temporary Outdoor Patio starting May 28, 2024 (after last day of appeal period), subject to the issuance of a Building Permit.

Financial Impact

There are no financial requirements for new funding associated with this report.

Operational Impact

The Development Planning Department, in consultation with the Building Standards, Development Engineering, and By-law and Compliance, Licensing and Permit Services Departments have developed the Draft Zoning By-laws under Attachments 2 and 3, which demonstrate preliminary zoning standards for Seasonal Temporary Outdoor Patios. Through further consultation, the draft By-laws will be finalized and forwarded to a future Council meeting.

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations associated with this report.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact Chris Cosentino, Senior Planner, Development Planning Department, ext. 8215.

Attachments

1. Lands Subject to Zoning By-law 001-2021
2. Draft Amendment to Zoning By-law 1-88
3. Draft Amendment to Zoning By-law 001-2021
4. Draft Amendment to Site Plan Control By-law

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